

In the Drawings:

Please replace original FIGS. 1, 4A-4B and 13-19 with replacement FIGS. 1, 4A-4B and 13A-19.

REMARKS

Drawings

In the Final Office Action dated January 11, 2006, Examiner required correction of the informalities indicated on the “Notice of Draftsperson’s Patent Drawing Review,” PTO-948. PTO-948 raises issues with FIGS. 1, 4A-4B and 13-19 under 37 C.F.R. §1.84(l) and 37 C.F.R. §1.84(p). Additionally, in the Advisory Action dated June 15, 2006, Examiner asserts that the drawings submitted on May 11, 2006 are not acceptable because the views shown in FIG. 13 are not labeled separately in accordance with 37 C.F.R. 1.84(u)(1).

FIGS. 1, 4A-4B and 13-19 have been amended to correct the informalities noted in PTO-948 and to label the views in FIG. 13 separately as FIG. 13A and FIG. 13B. Therefore, Applicant respectfully submits that the drawings now comply with 37 C.F.R. §1.84 and are currently in condition for allowance.

Specification

Applicant has amended the specification in order to reflect the amendments to FIG. 13 and respectfully submits that the specification is currently in condition for allowance.

Claim Rejections – 35 U.S.C. §102

Claims 1, 24-26, 48-51, 73, 74, and 96-101 stand rejected under 35 U.S.C. 102(e) as being anticipated by Kobe et al. (US 6,610,382 B1).

Directing Examiner's attention to MPEP 2131, the threshold issue under Section 102 is whether the Examiner has established a *prima facie* case for anticipation. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)". "The identical invention must be shown in as complete detail as is contained in the ...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1566 (Fed. Cir. 1989).

Claims 1, 25, 50, 73, 96-98, and 100 recite a skin layer having a top surface that is "continuous and flat from said first end to said second end"

Applicant respectfully submits that Kobe does not disclose a grip comprising a skin layer having a top surface that is continuous and flat from the first end of the skin layer to the second end of the skin layer, as recited in Claim 1, 25, 50, 73, 96-98, and 100. Instead, Kobe teaches a skin layer having a top surface with upstanding stems, stating, "The article 20 includes a backing layer 21 having a first surface 24 with an array of upstanding stems 26." (Col. 3, lines 40-42). In the parent application, U.S. Application Serial No. 09/874,940, of the present application, Examiner found that Kobe did not teach a skin layer having a top surface that is both *continuous and flat*. In that parent application, Examiner cited Kobe as a §102 reference in the Office Action dated December 15, 2004. Applicant filed an Amendment on March 15, 2005, further defining the top surface of the skin layer as being both *continuous and flat* from the first end to the second end. Examiner then responded in the Final Office Action dated June 17, 2005 by withdrawing Kobe as a §102 reference that teaches a skin layer having a top surface that is both *continuous and flat* from its first end to its second end. Examiner did not argue that Kobe taught the *continuous and flat* limitation. Instead, Examiner

cited Shomo as teaching the *continuous and flat* limitation in a §103 rejection. Applicant is unclear as to why Examiner has come to a different conclusion in the present application as she did in the parent application. Given the consistency of the claims and the cited prior art, it only seems appropriate that Examiner come to a conclusion in the present application that is consistent with that of the parent application.

In the present application, Examiner argues that Applicant has failed to expressly teach a flat top surface or to ascribe any criticality to the claim limitation in the Specification, and that the upstanding stems in Kobe amount to mere surface irregularities as they have a height between 0.254 mm and 1.27 mm, thereby maintaining the rejection of the claims as being unpatentable over the top surface (24) of the skin layer (21) of the device shown by Kobe.

Applicant respectfully submits that whether or not Applicant has expressly taught a flat top surface or ascribed any criticality to the claim limitation in the Specification is irrelevant to the issue of whether Kobe anticipates the claims of the present invention under §102. The degree of emphasis found in the Specification regarding the continuous and flat limitation does not affect Examiner's standard of proof for establishing that this limitation is disclosed in Kobe.

FIG. 1 of Kobe clearly shows that the top surface of skin layer 21 is not continuous and flat from the skin layer's first end to the skin layer's second end. Going along surface 24, once you reach stem 26, the surface ceases to be flat. The clear difference in height between surface 24 and the top of stems 26 is evidence that the top surface of Kobe's skin layer is not flat. Applicant disagrees with examiner's assertion that the upstanding stems are mere surface irregularities. The upstanding stems are substantial enough to distribute "liquid at the base of the stems 64 while the tips 62

remain dry, as illustrated in FIG. 7.” (Col. 5, lines 59-61). The upstanding stems of Kobe’s article are also substantial enough to mate and interfere with corresponding upstanding stems on a separate friction control article, as shown in FIGS. 10-11 and described in Col. 7, lines 32-50. Therefore, Applicant respectfully submits that Kobe fails to disclose a skin layer having a top surface that is both continuous and flat from its first end to its second end.

Applicant respectfully submits that Kobe fails to teach each and every element of Claims 1, 25, 50, 73, 96-98, and 100.

Since Claims 24, 48, 49, 99, and 101 depend from Claims 1, 25, 98, and 100 respectively, Applicant respectfully submits that Claims 24, 48, 49, 99, and 101 are also patentable as they contain the same limitations as their respective parent claims.

Since Claims 26, 51 and 74 were previously canceled, Examiner’s rejection of Claims 26, 51 and 74 is moot.

Therefore, Applicant respectfully submits that Claims 1, 24-25, 48-50, 73, and 96-101 are currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim Rejections – 35 U.S.C. §103

Claims 3, 4, 7, 27, 28, 31, 52, 53, 56, 75, 76, and 79 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kobe et al. (US 6,610,382 B1) in view of Oseroff et al. (US 3,848,480).

Since Claims 3, 4, 7, 27, 28, 31, 52, 53, 56, 75, 76, and 79 depend from Claims 1, 25, 50, and 73 respectively, Applicant respectfully submits that Claims 3, 4, 7, 27, 28, 31, 52, 53, 56, 75, 76, and 79 are also patentable as they contain the same limitations as their respective parent claims.

· Therefore, Applicant respectfully submits that Claims 3, 4, 7, 27, 28, 31, 52, 53, 56, 75, 76, and 79 are currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 3, 5, 27, 29, 52, 54, 75, and 77 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kobe in view of McCalla et al. (US 6,364,500 B1).

Since Claims 3, 5, 27, 29, 52, 54, 75, and 77 depend from Claims 1, 25, 50, and 73 respectively, Applicant respectfully submits that Claims 3, 5, 27, 29, 52, 54, 75, and 77 are also patentable as they contain the same limitations as their respective parent claims.

Therefore, Applicant respectfully submits that Claims 3, 5, 27, 29, 52, 54, 75, and 77 are currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 3, 6, 27, 30, 52, 55, 75, and 78 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kobe in view of Bixler et al. (US 5,251,903).

Since Claims 3, 6, 27, 30, 52, 55, 75, and 78 depend from Claims 1, 25, 50, and 73 respectively, Applicant respectfully submits that Claims 3, 6, 27, 30, 52, 55, 75, and 78 are also patentable as they contain the same limitations as their respective parent claims.

Therefore, Applicant respectfully submits that Claims 3, 6, 27, 30, 52, 55, 75, and 78 are currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 23, 47, 72, and 95 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kobe.

· Since Claims 23, 47, 72, and 95 depend from Claims 1, 25, 50, and 73 respectively, Applicant respectfully submits that Claims 23, 47, 72, and 95 are also patentable as they contain the same limitations as their respective parent claims.

Therefore, Applicant respectfully submits that Claims 23, 47, 72, and 95 are currently in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

If the Examiner has any questions regarding this application, the Examiner may telephone the undersigned at 775-586-9500.

Respectfully submitted,
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